

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

KENNY MONTGOMERY,

Petitioner,

vs.

MICHELLE MILLER, Warden,

Respondent.

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CASE NO. 1:16-CV-1422

OPINION AND ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Kenny Montgomery petitions for habeas corpus relief under [28 U.S.C. § 2254](#).¹ On November 10, 2016, Respondent Michelle Miller moved to dismiss Montgomery's claim.²

On May 31, 2017, Magistrate Judge George J. Limbert recommended that the Court dismiss the case.³ Objections to Magistrate Judge Limbert's Report and Recommendation were due by June 14, 2017. Petitioner Montgomery has not filed objections to the Report and Recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.⁴ Absent objection, a district court may adopt the Report and Recommendation without review.⁵

Because no party has objected to the Report and Recommendation, this Court may adopt the Report and Recommendation without further review. Moreover, having conducted its own

¹ Doc. [1](#).

² Doc. [13](#).

³ Doc. [18](#).

⁴ [28 U.S.C. § 636\(b\)\(1\)](#).

⁵ [Thomas v. Arn](#), 474 U.S. 140, 149 (1985); [L.R. 72.3\(b\)](#).

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review of the petition and record, the Court agrees with the conclusions in the Report and Recommendation.

Accordingly, the Court **ADOPTS** Magistrate Judge Limbert's Report and Recommendation and incorporates it fully herein by reference. The Court **DENIES** Petitioner's habeas petition.

IT IS SO ORDERED.

Dated: June 26, 2017

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE